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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 RICKEY CALHOUN,

7 Plaintiff,

8 v.

9 REGINA HOOK,

10 Defendant.

No. 08-5697 RJB/KLS

ORDER GRANTING DEFENDANT'S
MOTION TO STAY DISCOVERY

11
12 Before the Court is Defendants' motion to stay discovery pending the Court's resolution
13 of Defendant's motion for judgment on the pleadings. Dkt. 18. For the reasons stated below, the
14 Court finds that the motion should be granted.
15

16 **PROCEDURAL BACKGROUND**

17 In his First Amended Complaint, filed on March 25, 2009, Plaintiff alleges that in
18 December 2005, his September 2005 Division of Access and Equal Opportunity Complaint
19 alleging misconduct and abuse was dismissed and the investigator at fault was Regina Hook.
20 Dkt. 9. On June 5, 2009, Plaintiff served numerous discovery requests on Defendant Hook. Dkt.
21 18, p. 1. On June 17, 2009, Defendant Regina Hook moved for dismissal based on res judicata
22 and on qualified immunity. Dkt. 17. Defendant Hook argues that (1) she previously litigated
23 this matter to a favorable conclusion in state court, (2) even if the prior judgment of dismissal did
24 not exist, Plaintiff Calhoun has failed to state a cause of action under § 1983, and (3) Defendant
25 Hook is entitled to qualified immunity. Id., pp. 2-3.
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1 Also pending before the Court is Plaintiff's discovery motion, asking that the Court
2 command a non-party, the Special Commitment Center to supply materials so that he may take
3 Defendant Hook's deposition. (Dkt. 16)

4 DISCUSSION

5 The court has broad discretionary powers to control discovery. *Little v. City of Seattle*,
6 863 F.2d 681, 685 (9th Cir. 1988). Upon showing of good cause, the court may deny or limit
7 discovery. Fed. R. Civ. P. 26(c). A court may relieve a party of the burdens of discovery while
8 a dispositive motion is pending. *DiMartini v. Ferrin*, 889 F.2d 922 (9th Cir. 1989), amended at
9 906 F.2d 465 (9th Cir. 1990) *Rae v. Union Bank*, 725 F.2d 478 (9th Cir. 1984).

11 Given the early stages of this litigation, a stay is warranted while the Court determines
12 the threshold issues of whether Plaintiff's claims are barred by res judicata and/or the doctrine of
13 res judicata.

14 Accordingly, all discovery in this matter shall be **STAYED** pending further order of this
15 Court, including Plaintiff's motion to compel the SCC (Dkt. 16).

17 DATED this 28th day of July, 2009.

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20 Karen L. Strombom
21 United States Magistrate Judge
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